

Submitted via regulations.gov portal  
January 10, 2023



Ms. Alexandra Jones  
Chair of the U.S. Cultural Property Advisory Committee  
Cultural Heritage Center (ECA/P/C)  
U.S. Department of State  
2200 C Street, NW  
Washington, DC 20037

Subject: North Macedonia, DOS-2022-0048

Dear Ms. Jones and Members of the U.S. Cultural Property Advisory Committee:

On behalf of the Ancient Coin Collectors Guild and the American Numismatic Association, this responds to object to the proposed MOU and associated import restrictions with the Republic of North Macedonia, as it may impact ancient coins. Published at 87 Federal Register 78183-84 (December 21, 2022), the public notice states that North Macedonia submitted its request for import restrictions on archaeological and ethnological material back on July 20, 2022, and that "additional information on the request, including categories of material that may be included in import restrictions" is at "<http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-Februray-02-2023>." The public notice also states that any written comments or request to offer oral comments must be submitted by January 23, 2023.

We believe that the public notice of December 21, 2022, however, is legally invalid and needs to be rescinded and reissued with more complete information. As we will detail, there are at least two procedural deficiencies the public notice is legally invalid. First, the public notice offers only a short and inadequate time period for the public to submit written or oral comments. Second, the public notice's cited website -- as of January 1, 2023 -- in fact offered NO "information on the request" and provided NO information on the "categories of material that may be included in import restrictions." And while the cited website was updated as of January 2, 2023, to state for the first time that North Macedonia seeks import restrictions on "coins ... dating from the Paleolithic to the Ottoman Period," this late notice is still legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

Finally, while the cited website updated as of January 2, 2023 stated that North Macedonia seeks to impose import restrictions on "coins ... dating ... to the Ottoman Period," -- and reserving our right to litigate if these procedural deficiencies are not first corrected -- we also make five substantive objections under the Cultural Property Implementation Act (CPIA) at least as to ancient coins. First, that ancient coins do not qualify as artifacts of "cultural significance" under CPIA's 19 U.S.C. § 2601(2)(C)(i)(I). Second, it cannot be assumed that particular "North



Macedonia ancient coinage” or “coins ... dating ... to the Ottoman Period,”<sup>1</sup> was “first discovered within” and “subject to the export control” of the Republic of North Macedonia, which is required by CPIA’s 19 U.S.C. § 2601(2)(C). Third, import restriction of any such ancient coins should not occur because there are two available “remedies less drastic than the application of the restrictions” under CPIA’s 19 U.S.C. § 2602(a)(1)(C)(ii). Fourth, there is no indication that North Macedonia has submitted a statement of facts that addresses the matters upon which the Department makes the determinations under CPIA’s 19 U.S.C. § 2602(a)(1). Fifth, “Ottoman coins” minted after 1773 cannot be considered to be an “object of archaeological interest” under CPIA’s 19 U.S.C. § 2601(2)(C)(i)(II), which requires objects must be “at least two hundred and fifty years old.”

The Ancient Coin Collectors Guild (ACCG) is a nonprofit organization, whose mission is to promote and nurture the free and independent collecting of coins<sup>2</sup> from antiquity through education, political action and consumer protection. Our goal is to foster an environment in which the general public can confidently and legally acquire and hold, for personal or professional use, any numismatic item of historical interest regardless of date or place of origin. We do not in any way support, condone or defend the looting of designated archaeological sites, nor the violation of any nation's laws concerning the import or export of antiquities. We have twenty-four affiliate member organizations and advocates for the interests of thousands of ancient coin collectors and hundreds of small businesses of the numismatic trade. More information regarding the ACCG may be found at our website at [accguild.org](http://accguild.org).

The American Numismatic Association is a nonprofit organization dedicated to educating and encouraging people to study and collect coins and related items. The Association serves the academic community, collectors and the general public with an interest in numismatics. With over 28,000 members the Association is our nation’s largest numismatic organization. More information about the Association can be found at its website at <https://www.money.org>.

I. Procedural Violation: The December 21, 2022 public notice fails to afford the public a meaningful opportunity to comment, since it gives the public only 33 days to submit written or oral comments by January 23, 2023.

The public notice’s time period giving only 33-days for the public to submit written or oral comments, as published at 87 Federal Register 78184 (December 21, 2022), does not afford the public a meaningful opportunity to comment. In is also unwarranted, since North Macedonia

---

<sup>1</sup> As we will detail, what constitutes “North Macedonia ancient coinage” or “coins ... dating ... to the Ottoman Period,” is a complex issue, especially since few such coins were actually minted or first discovered within modern-day North Macedonia. If the United States were to impose import restrictions of such ancient coinage, it raises serious questions that it infringes on the cultural heritage of other modern nations, in whose areas the coinage was minted, circulated, and first discovered within.

<sup>2</sup> The coin is “a mirror of the ancient world, which indicates the progress of the arts, which accompanies human society in all its aspects, civic life, laws, institutions, wars, conquests, peace treaties, changes of government, trade, and alliances. It perpetuates the fame of noble generations and keeps alive the memory of great men [as well as great women].” Elvira Eliza Clain-Stefanelli, *Numismatics - An Ancient Science A Survey of its History* at 3 (U.S. Government Printing Office, 1968) quoting Ernest Charles Babelon, *Traité des monnaies grecques et romaines: Théorie et doctrine*, Volume 1, col 66 (Paris, 1901).



submitted its request to the State Department back on July 20, 2022, which means that five months passed before the public notice was published on December 21, 2022. Even more problematic, the agency's cited website was updated as of January 2, 2023, to state for the first time they would consider import restrictions of "coins ... dating ... to the Ottoman Period." But the updated website gives the public even less time to respond with this new information -- only 21 days -- before the agency's comment closure date of January 23, 2023!

This failure to offer the public a timely and meaningful opportunity to comment violates the Administrative Procedure Act, 5 U.S.C. § 533(c), that requires that an agency "shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation."

The important purposes of the Administrative Procedure Act's notice and comment procedure cannot be overstated. As the D.C. Circuit has observed repeatedly, the goals of notice-and-comment rulemaking procedures are "to reintroduce public participation and fairness to affected parties, after governmental authority has been delegated to unrepresentative agencies, and to assure that the agency will have before it the facts and information relevant to a particular administrative problem as well as suggestions for alternative solutions." *American Hosp. Ass'n v. Bowen*, 834 F.2d 1037, 1044 (D.C. Cir. 1987)(internal citations, quotation marks, and brackets omitted). The agency itself benefits from the experience and input of comments by the public, which help "ensure informed agency decision making." *Spartan Radiocasting Co. v. FCC*, 619 F.2d 314, 321 (4th Cir.1980). By giving the necessary "meaningful opportunity" for the public to comment, the public benefits and the agency maintains a flexible and open-minded attitude. *Rural Cellular Ass'n v. FCC*, 588 F.3d 1095, 1101 (D.C. Cir. 2009) citing *Gerber v. Norton*, 294 F.3d 173, 179 (D.C. Cir. 2002).

The limited 33-day public comment time period also violates Executive Order 12866, § 6(a), 58 Fed. Reg. 51735 (October 4, 1993) which provides that "each agency should afford the public a meaningful opportunity to comment on any proposed regulation, which in most cases should include a comment period of not less than 60 days."

II. Procedural Violation: The agency's website cited in the December 21, 2022 public notice -- from December 21, 2022 through January 1, 2023 -- in fact offered NO "information on the request" and provided NO information on the "categories of material that may be included in import restrictions." While the cited website was updated as of January 2, 2023, to state that North Macedonia seeks to impose import restrictions on "coins ... dating ... to the Ottoman Period," this is an extremely late notice and is still legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

A. The public notice at 87 Federal Register 78183 (December 21, 2022), states that the Government of the Republic of North Macedonia made a request to the United States Government on July 29, 2022 that it "seeks U.S. import restrictions on archaeological and ethnological material." The public notice states that "additional information on the request, including categories of material that may be included in import restrictions" is to be found at <http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-Februray-02-2023>. Our review of the agency's cited website from December 22, 2022 through



January 1, 2023, however, found NO such “additional information,” other than the vague and cryptic phrase that “[r]equested categories of material will be considered if they meet the criteria for archaeological and ethnological material in the CPIA.”

In fact, NO information was provided to the public as to the categories of material that was requested by North Macedonia or what is being considered for import restrictions by the CPAC. The utter lack of such critical information means that the public notice and the cited website has failed to offer ANY **factual details, as to what is being considered and whether and what types of ancient coins is being considered for import restrictions.** The utter lack of such critical information -- when the agency asserted that it would be provided -- **denies the ability of the public to submit meaningful comments.**

B. While the agency’s cited website was updated as of January 2, 2023, to state that for the first time that North Macedonia seeks to impose import restrictions on “coins ... dating ... to the Ottoman Period,” this is an extremely late notice and is still legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.

If the CPAC is considering import restrictions of “coins ... to the Ottoman Period,” then the public notice is legally invalid and needs to be reissued, to afford the public with timely advance notice as to what coins are being sought to be restricted, so to allow for meaningful public comments. Such a revised public notice is required under the Administrative Procedure Act, which requires an agency’s notice must “provide sufficient factual detail and rationale for the rule to permit interested parties to comment meaningfully.” *Fla. Power & Light Co. v. United States*, 846 F.2d 765, 771 (D.C. Cir.1988). Moreover, if there is an extension of the import restrictions of ancient coins, then it must be first fully explained. The failure of an agency to comply with the procedural requirement to provide a “reasoned explanation” for its action is “arbitrary and capricious” under the Administrative Procedure Act. *Dept. of Homeland Security v. Regents of the University of California*, 140 S.Ct. at 1916 (2020).

### III. Substantive Objections

While the public notice and agency’s cited updated website offered late and inadequate information that ancient coins are being considered for import restrictions -- and reserving our right to litigate if these clear procedural deficiencies are not first corrected -- we also make five substantive objections<sup>3</sup> why “North Macedonia ancient coinage” or “coins ... dating from the Paleolithic<sup>4</sup> to the Ottoman Period,” should not be subject to import restrictions under the Cultural Property Implementation Act (CPIA).

---

<sup>3</sup> These should be considered only as our initial comments, based on the limited time period that was provided to submit public comments.

<sup>4</sup> The “Paleolithic Period,” also called the Old Stone Age, spans a time range from 2.6 million years to 10,000 years ago with the end of the last ice age, and is the period in human prehistory marking the original development of stone tools by early humans. Toth, N. & Schick, K. (2007). “Overview of Paleolithic Archaeology,” Henke, H.C.W.; Hardt, T.; Tattersall, I. (Eds.), *Handbook of Paleoanthropology*, Vol. 3. (Berlin; Heidelberg; New York, 2007) pp. 1943, 1946. Coins, however, did not exist in the Paleolithic Period. Rather, “coins were introduced as a method of payment around the 6th or 5th century BCE. The invention of coins is still shrouded in mystery: According to Herdotous, coins were first minted



A. Ancient coins do not qualify as artifacts of “cultural significance” under CPIA’s 19 U.S.C. § 2601(2)(C)(i)(I).

The ACCG continues to believe that coins should not qualify as artifacts of “cultural significance”<sup>5</sup> under 19 U.S.C. § 2601(2)(C)(i)(I) of the CPIA. During the legislative debate preceding passage of CPIA, the U.S. State Department representative, Mr. Mark Feldman, made it clear that coins were not considered objects of concern under the proposed Act. Responding to questions posed by Congressman Vanik, which included concerns that “a government may declare that all ancient coins within its borders are government property” as part of its “archaeological or ethnological material” Mr. Feldman responded:

“I think in theory, they may well come within the definition but we did not have coins in mind when we addressed the issue. I think as a practical matter, it would not be a serious problem. In most cases, it is impossible to establish the provenance of a particular coin or hoard of coins. Therefore, there would be no reason for the United States, in most cases, to list coins as one of the categories of objects of archaeological or ethnological interest that would be included in the agreement.”

“Cultural Property Treaty Legislation,” Hearing before the House Subcommittee on Trade of the Committee on Ways and Means, 96th Cong., 1st session on HR 3403. p. 8. (September 27, 1979).

---

by the Lydians, while Aristotle claims that the first coins were minted by Demodike of Kyrme, the wife of King Midas of Phrygia. Numismatists consider that the first coins were minted on the Greek island of Aegina, either by the local rulers or by king Pheidon of Argos.” <https://www.worldhistory.org/coinage/> (visited January 5, 2023).

<sup>5</sup> “Coins” also cannot be considered “ethnological” objects under the CPIA’s 19 U.S.C. § 2601(2)(C)(ii), since such an artifact must be both “(I) the product of a tribal or nonindustrial society, and (II) important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people.” Coins are not the crafts of tribal cultures, but the products of what at the time were sophisticated industrial mass-production practices. Indeed, the Act’s legislative history at Senate Report 97-564 Implementing Legislation For The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (September 8, 1982), p. 5 made clear that the “committee does not intend the definition of ethnological materials under this title to apply to trinkets and other objects that are common or repetitive or essentially alike in material design, color, or other outstanding characteristics with other objects of the same type.” Since coins are “objects that are common or repetitive or essentially alike in material design, color, or other outstanding characteristics,” they cannot be considered “ethnological material.”



As then-ACCG Executive Director Wayne G. Sayles wrote the CPAC on September 20, 2010, ancient coins are rarely significant cultural objects, that the effective preservation of cultural resources requires a cooperative approach, that the private ownership of ancient coins is not only consistent with the interests of society, and that import restrictions would have no effect on the world market except to exclude our citizens from it.

Moreover, coins are the first truly “massed-produced” objects in the ancient world, created by striking engraved obverse and reverse dies onto blank metal disks. Yet the individual ancient coin is essentially a duplicate minted from coin dies, which are produced in the thousands, and do not meet the “cultural significance” requirement. There is “a lot of debate as to whether or not nations and scholars should consider coins as culturally significant.... Coinage, in a general sense, provides evidence to historians about the monetary systems of ancient civilizations, various historical events, information about the art styles of ancient civilizations, and more. Individual coins, however, are ‘by their very nature duplicates.’ Nothing new about a culture can be learned from a duplicate coin if a single, viable copy of that coin has been studied.” Cody Wisniewski, *The Currency of History: The Possible, and Improper, Restriction on Ancient Egyptian Coinage*, 17 San Diego Int’l L.J. 329, 346 (2016)(footnotes omitted).

B. It cannot be assumed that particular “North Macedonia ancient coinage” or “coins ... dating ... to the Ottoman Period” were “first discovered within” and “subject to the export control” of the Republic of North Macedonia, which is required by CPIA’s 19 U.S.C. § 2601(2)(C).

To begin with, it is critical to recognize what constitutes “North Macedonia ancient coinage” or “coins ... dating ... to the Ottoman Period,” is a complex issue. Especially since most ancient coinage was not minted or found in what is now North Macedonia. Rather, such coins were minted, circulated, and found in areas outside North Macedonia, when it was governed as a part of a series of Kingdoms and Empires including: the Paeonian Kingdom, the Kingdom of Macedon,<sup>6</sup> the Roman Republic when the kingdom was conquered and became a Roman Protectorate and divided into four separate administrative Merides, then as a Roman Province within the Roman Empire, then parts of the Bulgarian Kingdom, Byzantine Empire, Serbian Kingdom, Ottoman Empire, Kingdom of Yugoslavia, and finally as part of the Socialist Federal Republic of Yugoslavia.<sup>7</sup>

---

<sup>6</sup> “Apart from extending the borders of his own kingdom... one of [Macedon King Philip II’s] major reforms concerned coinage. Philip conceived the innovative idea of multiple mints within a single state, a practi[c]e that became dominant in the Hellenistic period.” “If Philip changed Macedonia, Alexander changed the world; this general statement can also be applied to finance and coinage. Alexander continued with the main tenets of his fathers’ monetary policy but extended it to meet the needs of a multinational empire. Apart from the two main Macedonian mints, Pella and Amphipolis [both of which are located in modern-day Greece], which continued their monetary production, another 24 mints in Asia Minor, Cyprus, Syria, Phoenicia, Egypt and the East, undertook the striking of Alexanders....” S. Kremydi “Coinage and Finance,” R.J.L.Fox, Ed. *Brill’s Companion to Ancient Macedon: Studies in the Archaeology and History of Macedon, 650 BC-300 AD* (Brill, 2015 Reprint Edition) pp. 165, 167 (footnotes omitted)(parentheticals added).

<sup>7</sup> See e.g. I.A.Mirkik, *Coin Hoards in Yugoslavia*, BAR International Series 95 (Oxford, 1981) pp. 226, 228-229 (maps illustrating flow of imported coinage into Yugoslavia from 5th century BC through 19th century AD); Maja Hadji-Maneva, *Macedonia: Coins and History* (Skopje 2008), available at [https://www.nbrm.mk/content/muzej/Macedonia\\_coins\\_and\\_history.pdf](https://www.nbrm.mk/content/muzej/Macedonia_coins_and_history.pdf) (visited December 22, 2022);



When the Socialist Federal Republic of Yugoslavia dissolved in 1991, North Macedonia became a separate nation and called itself the “Republic of Macedonia.” But Greece for years refused to recognize it, imposed a trade embargo, and objected to its membership into the E.U. and NATO. This only changed with the 2018 Prepsa Agreement, when the country agreed to change its name to the “Republic of North Macedonia” and removed from its national flag the “Vergina Sunburst” symbol.<sup>8</sup> With such a tangled complex history, if the United States were to impose import restrictions on “coins ... dating ... to the Ottoman Period” at the request of North Macedonia, it would not only generate international controversy but also infringe on the cultural heritage of other modern nations from whose areas such coinage was minted, circulated and first discovered within.

Moreover, CPIA's 19 U.S.C. § 2601(2)(C) only deals with cultural property objects that are “first discovered within” and that is “subject to the export control by, the State Party.” “Congress only authorized the imposition of import restrictions on objects that were ‘first discovered within, and [are] subject to the export control by the State Party.’” *Ancient Coin Collectors Guild v. U.S. Customs and Border Protection*, 801 F. Supp. 2d 383, 407 n. 25 (D. Md. 2011). These statutory terms of “first discovered within” and “subject to the export control” is critical. And these statutory terms may not be expanded by a Federal agency by including coin types that “circulated primarily” within a given modern nation state since it is contrary to the CPIA’s plain meaning. Only archeological material “specifically found” in a particular State Party can be “subject to export control by” that same State Party. Accord Scalia and Garner, Reading Law: The Interpretation of Legal Texts § 26 at 174 (Thompson/West 2012) (“[E]very word and every provision is to be given effect (verba cum effectu sunt accipienda). None should be ignored.”).

This limitation is consistent with Article 4 of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which provides since “The States Parties to this Convention recognize that for the purpose of the Convention property which belongs to the following categories forms part of the cultural heritage of each State: (a) Cultural property created by the individual or collective genius of nationals of the State concerned, and cultural property of importance to the State concerned created within the territory of that State by foreign nationals or stateless persons resident within such territory; [or] (b) cultural property found within the national territory....” (emphasis added). The International Observatory on Illicit Traffic in Cultural Goods’ glossary for the term “origin,” at [obs-traffic.museum/glossary](http://obs-traffic.museum/glossary), is the “[s]ource place where a cultural object has been extracted, excavated or discovered for the first time” (emphasis added).

---

Ş.Pamuk, “In the Absence of Domestic Currency: Debased European Coinage in the Seventeenth Century Ottoman Empire,” *The Journal of Economic History*, Vol. 57, No. 2 (June 1997), pp. 345-366.

<sup>8</sup> The Vergina symbol was found on the lid of the Golden Larnix that contained the bones of Macedon King Philip II, which was discovered in Vergina, Greece in 1977, and is the symbol on the flag of the Greek province of Macedonia. See L.Danforth, “Ancient Macedonia, Alexander the Great and the Star or Sun of Vergina: National Symbols and the Conflict between Greece and the Republic of Macedonia,” *A Companion to Ancient Macedonia* (Wiley-Blackwell, 2011).



C. Import restriction of such ancient coins should not occur because there are two available “remedies less drastic than the application of the restrictions” under CPIA’s 19 U.S.C. § 2602(a)(1)(C)(ii).

First, there is no evidence that North Macedonia has adopted the “less drastic” system that exists such as with the United Kingdom’s Treasure Act and Portable Antiquities Scheme (PAS). Fully detailed at [www.finds.org.uk](http://www.finds.org.uk), the United Kingdom’s system is well regarded, effective, and is clearly “less drastic” than import restrictions of “North Macedonia ancient coinage” or “coins ... dating ... to the Ottoman Period.” The United Kingdom’s system promotes the maximum public interest and benefit from the recovery, recording and research of portable antiquities; promotes best practice by finders/landowners and archaeologists/museums in the discovery, recording and conservation of finds made by the public; in partnership with museums and others, raises awareness among the public; creates partnerships between finders and museums/archaeologists to increase participation in archaeology and advance our understanding of the past; and increase opportunities for museums to acquire archaeological finds for public benefit.

It should be noted that the UK Portable Antiquities Scheme also respects the rights of landowners, who are entitled under the law to share in the fair market value of antiquities found on their property. As a result, many farmers in the UK cooperate with metal detector hobbyists in providing permission for orderly access to their fields. Because of this, we know more about the circulation of ancient and medieval coinage in Britain than in any other part of the world.<sup>9</sup>

Second, as another “less drastic” alternative to import restrictions, the CPAC should facilitate lawful trade by acknowledging and honoring European Union member countries, who allow the export of archaeological and ethnological objects with or without a license according to the local law of the exporting E.U. member. With North Macedonia in the midst of becoming a member of the E.U., honoring E.U. exports would certainly qualify as a “less drastic” remedy other “than the application of [import] restrictions.” Allowing entry of objects legally exported from E.U. member countries would greatly facilitate lawful trade, in a situation that could not have been specifically contemplated by the CPIA, which predates the E.U.’s export control regime. This can be simply accommodated by modifying any MOU to make any import restrictions

---

<sup>9</sup> “Over the last two decades the Portable Antiquities Scheme has achieved extraordinary success in raising the level of reporting and the quality of the records of casual finds of archaeological material, most of it from metal detecting. Hoards form an important component of the PAS work. [And] the rate of discovery and recording of new hoards is significantly higher in Britain than elsewhere in the Roman Empire.” R.Bland, A.Chadwick, E.Ghey, C.Haselgrove, D.Mattingly, A.Rogers, & J.Taylor, Iron Age & Roman Coin Hoards in Britain (Oxbow Books, 2020) pp. 326-327 (emphasis added).

The British Museum’s 8-page Portable Antiquities & Treasure Strategy: 2020, at <https://finds.org.uk/documents/file/PAS-strategy-2019.pdf> (visited June 27, 2020), lists many of the key accomplishments of the United Kingdom’s Portable Antiquities Scheme. This includes that it “has recorded over 1 million archaeological finds discovered by the public on its online database, helping to identify new archaeological sites and help rewrite our understanding of the past[; that o]ver 10,530 Treasure finds have been reported via the PAS, of which 37% have been acquired by 215 museums across England and Wales for public benefit[; that] PAS data is important to archaeological research, and has been used in at least 455 research projects[; and that t]he PAS provides a model for other finds recording systems, such as those being established in Flanders, Denmark, the Netherlands and Finland.”



inapplicable to ancient coins legally exported from another E.U. country, with or without a formal export permit under local law.

D. There is no indication that North Macedonia has submitted a statement of facts that addresses the two matters upon which the Department makes the determinations under CPIA's 19 U.S.C. § 2602(a)(1).

According to the Bureau of Educational and Cultural Affairs, found at <https://eca.state.gov/cultural-heritage-center/cultural-property-advisory-committee/foreign-government-requests>, a Foreign Government's request for cultural property protection must "include a statement of facts that addresses the matters on which the Department makes the determinations specified in the CPIA, 19 U.S.C. § 2602(a)(1)." These determinations must include... "4. *Credible enforcement efforts*, including monitoring for compliance and appropriate sanctions, documentary evidence of which should include data of sufficient duration and scope to provide the information necessary for a reliable determination."

First, neither the 2022 public notice nor the 2023 agency's updated website states -- much less even allege -- that North Macedonia has engaged in "credible enforcement efforts." Until such documentation has been presented to the CPAC, and made available to the public, the CPAC cannot confirm that North Macedonia has engaged in the necessary "credible enforcement efforts."

Second, neither the 2022 public notice nor the 2023 agency's updated website states -- much less even allege -- that North Macedonia has provided to the CPAC the required "data of sufficient duration and scope to provide the information necessary for a reliable determination." Until such documentation has been presented to the CPAC, and made available to the public, the CPAC cannot confirm that North Macedonia has submitted the required "data of sufficient duration and scope to provide the information necessary for a reliable determination."

E. The agency's updated website as of January 2, 2023, that states it is considering import restrictions on "coins ... dating ... to the Ottoman Period," violates CPIA's 19 U.S.C. § 2601(2)(C)(i)(II) -- at least as to Ottoman coins minted after 1773 -- since "no object may be considered to be an object of archaeological interest unless such object ... is at least two hundred and fifty years old."

CPIA's 19 U.S.C. § 2601(2)(C)(i)(II) states that "no object may be considered to be an object of archaeological interest unless such object ... is at least two hundred and fifty years old." While the origins of the Ottoman Empire are shrouded in time and appears to have begun around 1299, it was effectively dissolved with the 1923 Treaty of Lausanne which recognized the Republic of Turkey. Given that there is a 250 year age restriction on archaeological objects subject to CPIA's 19 U.S.C. § 2601(2)(C)(i)(II), "Ottoman Period" coins minted after 1773 cannot be considered.

#### IV. Conclusion

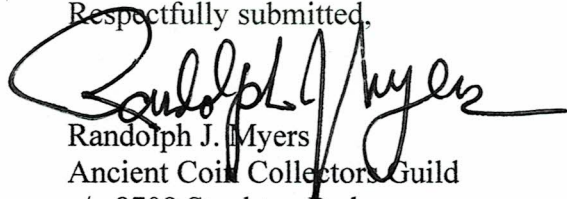
The Ancient Coin Collectors Guild along with the American Numismatic Association urges the U.S. Cultural Property Advisory Committee to rescind and reissue its public notice of December



21, 2022, due to its serious legal procedural deficiencies. Due to the five substantive objections that we have detailed, if the MOU is enacted, we ask the CPAC to advise the decision maker to not include ancient coinage on any import restriction. Finally, once North Macedonia becomes a member of the European Union, we also ask CPAC to advocate that any import restrictions be made subject to the E.U.'s export controls binding on North Macedonia, such that any coinage that are legally exported from sister E.U. countries are also allowed entry into the United States.

The issues regarding ancient coins are very important to the large numbers of collectors like our members of the Ancient Coin Collectors Guild, who collect coins out of love of history and as an expression of our own cultural identity. And while the American Numismatic Association at [www.money.org/consumer-awareness/ancient-coin-import-restrictions](http://www.money.org/consumer-awareness/ancient-coin-import-restrictions), “fully supports the idea of protecting cultural property,” it has “consistently argued that ancient coins should not be included in MOUs for a number of reasons. First, coins are among the most common and durable of artifacts (with a few notable exceptions), and therefore the information they contain is in no danger of being lost to historians or archaeologists in the way unique or rare objects would be if not preserved in cultural institutions. Additionally, there is no shortage of coins in museums in nations that have ancient specimens as part of their history, particularly Europe, the Middle East and China. Finally, coins are excellent teaching tools. Their durability – and the large number of specimens available – make them ideal collectors’ items. They encourage interest in the past, which in turn promotes educational programs in museums and universities, many of whose collections were formed or financed by hobbyists.”

Respectfully submitted,



Randolph J. Myers  
Ancient Coin Collectors Guild  
c/o 8709 Stockton Parkway  
Alexandria, Virginia 22308  
Ancient Coin Collectors Guild Web Site: [accguild.org](http://accguild.org)

Attachments: (1) Printed webpage of <http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023> (visited December 22, 2022). Note that it contains NO “additional information on the [North Macedonia] request” and contains NO information on the “categories of material that may be included in import restrictions.”

(2) Printed webpage of <http://eca.state.gov/highlight/cultural-property-advisory-committee-meeting-January-30-February-02-2023> (visited January 3, 2023). Note that the website, updated on January 2, 2023, states that North Macedonia seeks to restrict “coins ... dating from the Paleolithic to the Ottoman Period.” We assert that the late notice is legally invalid as well as vague and inadequate by failing to describe which coins are being considered for import restrictions.





## BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

Promoting Mutual Understanding

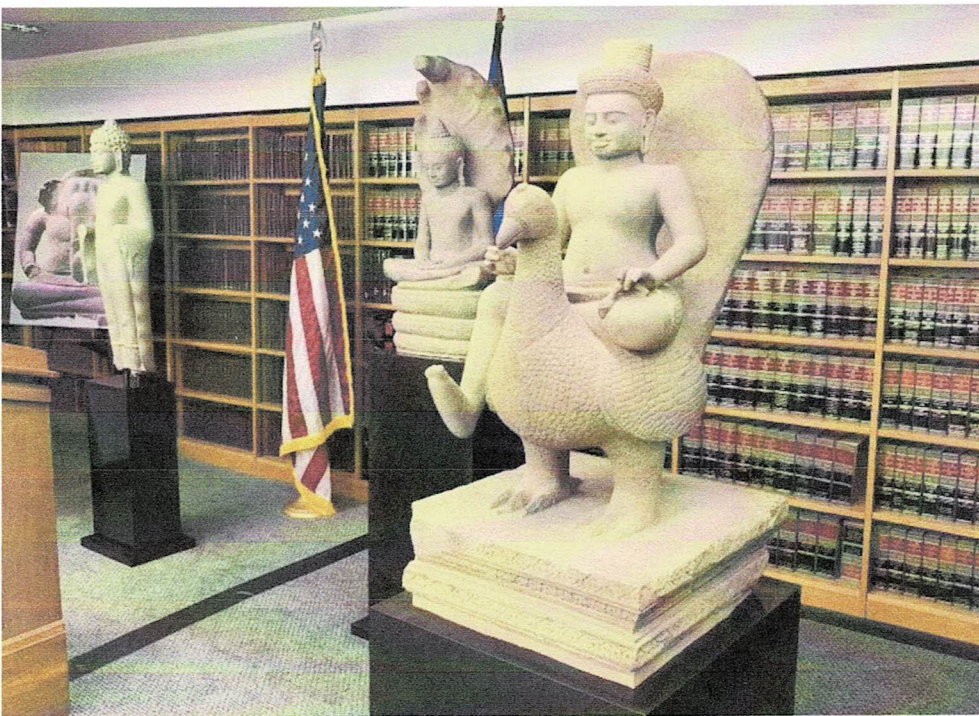
[View disclaimer](#)

[Select Language](#) ▼

Search

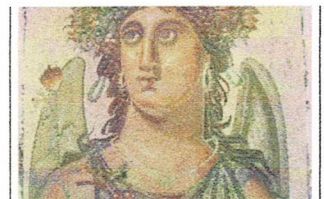
# Cultural Property Advisory Committee Meeting January 30 – February 2, 2023

November 23, 2022



Like 13

YOU MIGHT ALSO BE  
INTERESTED IN



[\(/highlight/cultural-property-advisory-committee-meeting-july-19-20\)](#)

[Cultural Property Advisory Committee Meeting July 19-20 \(/highlight/cultural-property-advisory-committee-meeting-july-19-20\)](#)



[\(/highlight/cultural-property-advisory-committee-meeting-may-2-4\)](#)

[Cultural Property Advisory Committee Meeting May 2-4 \(/highlight/cultural-property-advisory-committee-meeting-may-2-4\)](#)

The Cultural Property Advisory Committee intends to meet January 30 to February 2, 2023 (pending Federal Register announcement confirmation) to review: (1) extending and amending the cultural property agreement with the **Government of Cambodia**, (2) a new request from the **Government of North Macedonia**, and (3) a new request from the **Government of Uzbekistan** for cultural property import restrictions. The Committee invites public comment on these proposals.

**Please save this link for updates, details, and confirmation of the meeting agenda closer to the meeting date.**

The State Department follows the [Convention on Cultural Property Implementation Act](#) (<https://eca.state.gov/files/bureau/97-446.pdf>) (CPIA) when considering cultural property agreements and import restrictions. Requested categories of material will be considered if they meet the criteria for archaeological and ethnological materials in the CPIA.

### Public Comments

The public may provide written comment in advance of the meeting and/or register to speak in the virtual open session scheduled for January 30, 2023, at 4:00 p.m. EST.



Public comments on the cultural property agreements should focus on the [four determinations](#) ([https://eca.state.gov/files/bureau/cpia\\_uscode1988-007019014.pdf](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf)) in the CPIA.

**How to submit written comments:** Use [regulations.gov](https://www.regulations.gov/) (<https://www.regulations.gov/>), and follow the prompts to submit written comments. Written comments must be submitted no later than January 23, 2023, at 11:59 p.m. EST.

**How to make oral comments:** Make oral comments during the virtual open session on January 30, 2023 (instructions below). Requests to speak must be submitted no later than January 23, 2023.

### Join the Virtual Open Session

The virtual open session of the Committee meeting will be held on **January 30, 2023, at 4:00 p.m. (EST)** by videoconference.

**To Speak:** Registered participants can speak and may be asked questions by the Committee. If you wish to register to speak you must submit your name and organizational affiliation in an email request to [culprop@state.gov](mailto:culprop@state.gov) (<mailto:culprop@state.gov>) by January 23. After you pre-register you will receive an email response with a unique link and instructions on how to participate. Due to time constraints, each participant will have no more than five minutes to speak.

**To Observe:** Anyone may observe the open session by videoconference, but they will not be able to speak. It is not necessary to pre-register to observe. If needed, please request reasonable accommodation by email to [culprop@state.gov](mailto:culprop@state.gov) (<mailto:culprop@state.gov>) no later than January 23. It may not be possible to fulfill requests made after that date.

View related content by tag

[Cultural Heritage Center \(/program/cultural-heritage-center?term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](#)  
[Cultural Property Protection \(/program/cultural-property-protection?term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](#)  
[Cultural Property Advisory Committee \(/program/cultural-property-advisory-committee?term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](#)

[Cultural Property Protection](#)

[Cultural Property Advisory](#)



[\(/cultural-property-advisory-committee-meeting-july-26-27-2022\)](#)

**Cultural Property Advisory Committee Meeting July 26-27, 2022** ([/cultural-property-advisory-committee-meeting-july-26-27-2022](#))





## BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

Promoting Mutual Understanding

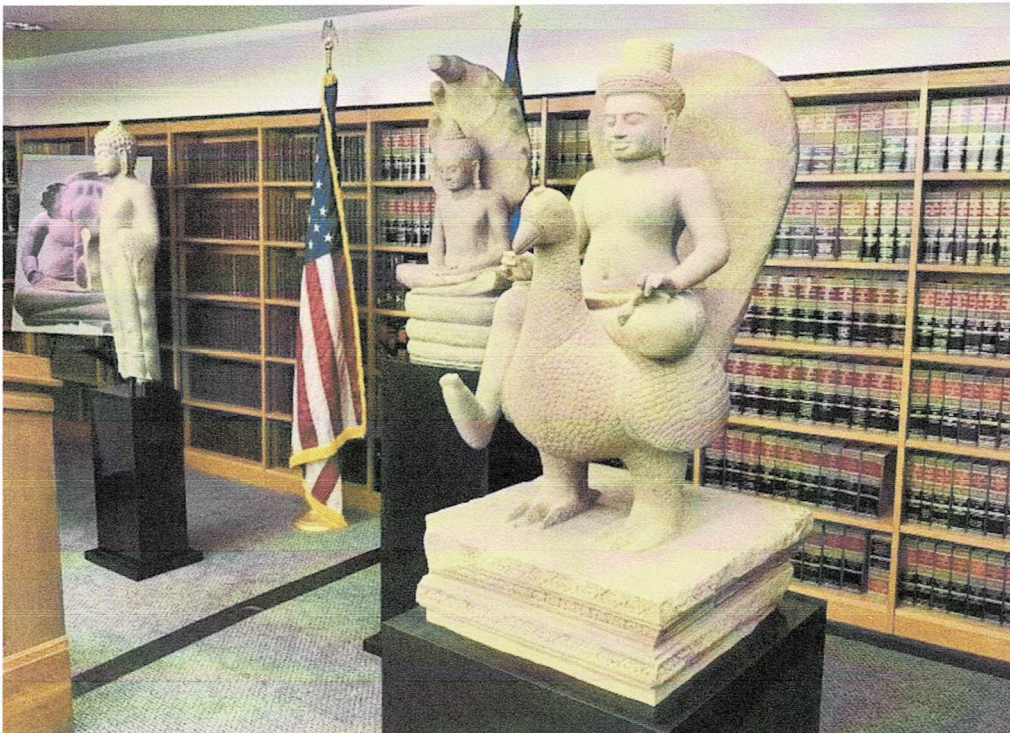
[View disclaimer](#)

[Select Language](#) ▼

Search

# Cultural Property Advisory Committee Meeting January 30 – February 2, 2023

November 23, 2022



The Cultural Property Advisory Committee intends to meet January 30 - February 2, 2023 to review (1) extending and amending the cultural property agreement with the **Government of Cambodia**, (2) to review a new request from the **Government of North Macedonia**, and (3) to review a new request from the **Government of Uzbekistan** for cultural property import restrictions. The Committee invites public comment on these proposals.

Please save this link for updates and videoconference details, which will be provided closer to the meeting dates.

The State Department follows the [Convention on Cultural Property Implementation Act](https://eca.state.gov/files/bureau/97-446.pdf) (<https://eca.state.gov/files/bureau/97-446.pdf>) (CPIA) when considering cultural property agreements and import restrictions. Requested categories of material will be considered if they meet the criteria for archaeological and ethnological materials in the CPIA.

### North Macedonia's Request

The Government of North Macedonia seeks import restrictions on archaeological and ethnological materials ranging from 300,000 BC to the 20th century AD, including from the prehistoric periods (Paleolithic, Neolithic, Chalcolithic, Bronze Age, Iron Age), classical antiquity (Classical, Hellenistic, Roman, and Late Roman periods), Medieval (Byzantine and Post-Byzantine periods), the Ottoman Period including the 19th century



Like 13

YOU MIGHT ALSO BE  
INTERESTED IN



[\(/highlight/cultural-property-advisory-committee-meeting-july-19-20\)](/highlight/cultural-property-advisory-committee-meeting-july-19-20)

[Cultural Property Advisory Committee Meeting July 19-20 \(/highlight/cultural-property-advisory-committee-meeting-july-19-20\)](#)



[\(/highlight/cultural-property-advisory-committee-meeting-may-2-4\)](/highlight/cultural-property-advisory-committee-meeting-may-2-4)

[Cultural Property Advisory Committee Meeting May 2-4 \(/highlight/cultural-property-advisory-committee-meeting-may-2-4\)](#)



North Macedonian Revival, and the Modern Era. Requested archaeological material includes ceramics; stone; metal objects including coins; bone and ivory; and glass and faience; dating from the Paleolithic to the Ottoman Period.

Requested ethnological material includes three overarching categories: (1) Ethnological religious objects (Christian and Islamic) in stone, metal, ceramic, bone, ivory, wood, glass, textile, parchment, paper, and paintings from the 2nd century to the 20th century AD; (2) Artistic objects including vessels, monuments, and sculpture in ceramic, stone, metal, and wood; paintings; and mosaics from the 3rd century to the 20th century AD; and (3) ethnographic objects such as vessels, sculpture, monuments, tools, ornaments, musical instruments, clothing and other textiles, bags, and pipes from the 18th century to the 1950s AD.

#### Cambodia's Request

The Government of Cambodia seeks an extension of current import restrictions on archaeological material and an amendment of the cultural property agreement to include new categories of archaeological and ethnological materials. Newly requested archaeological material includes stone (e.g., sculpture, architectural materials, stelae, brick sculpture, jewelry, and stone tools); metal (e.g., statues, ritual and domestic objects, architectural materials, musical instruments, weapons and tools, and coins); ceramics (e.g., sculptures and vessels); glass beads; bone objects; and wood (e.g., architectural materials and sculpture) dating from the Pre-historical periods (circa 2500 BC) through AD 1750 from the entirety of Cambodia. This amendment also includes the archaeological objects of ethnic and religious minority cultures found throughout Cambodia.

Ethnological material requested dates from AD 1400 through 1891, and includes architectural elements from religious buildings (e.g., wooden doors and carved panels); sculpture (e.g., wooden figures and often decorated with lacquer, gold leaf, paint, and/or incrustations of glass); manuscripts (e.g., handwritten works on paper and/or palm leaf); funerary objects (e.g., ceramic or stone urns or wooden urns); and religious objects (e.g., bells, chariot fixtures, *popil*, musical instruments, and betel containers often made from bronze).

#### Uzbekistan's Request

The Government of Uzbekistan seeks import restrictions on archaeological material dating from the Paleolithic period (50,000 BCE) to the 18th century CE and including the following periods, styles, and cultures: Paleolithic, Mesolithic, Neolithic, Ancient Bactrian, Korezm/Khorezm, Seleucid, Kangjiuy, Kushan, Greco-Bactrian, Ephthalite/Hephthalite, Turkic, Somanite/Samanid, Karakhanid, Korezmsakh/Khorezmsakh, Mongol, Timurid, Bukhara, Kiva/Khiva, and Uzbek periods. This material includes stone; ceramics, faience, and fired clay; metal; plaster, stucco, and unfired clay; painting; ivory and bone; glass; leather, birch bark, vellum, parchment, and paper; textiles; wood, shell, and other organic material; and human remains.

Requested ethnological material date from the 7th century CE to 1917 CE and come from the Early Islamic, Middle Islamic, and Uzbek periods. This material includes weapons of historical, artistic, scientific and other cultural value; artworks containing precious metals and precious stones; objects and their fragments; completely handmade paintings and drawings on any basis and from any materials; sculptural works made of any materials, including relief paintings; original artistic compositions and montages made of any materials; artistically decorated objects for the purpose of worship; engravings, prints, lithographs, xylographs, other types of graphics and their original printed forms; practical and decorative works of art (art objects made of glass, clay, wood, metal, bone, fabric and other materials); traditional folk arts and crafts; components and fragments of architecture, history, artistic monuments and monumental art monuments; books, as well as printed works of historical, scientific, artistic, and literary significance; unique manuscripts and documentary monuments, archival documents; musical instruments; coins, bonistics, orders, medals, seals, postcards (envelopes), postage stamps, numismatics, phaleristics, and other collectibles; objects important for branches of science such as mineralogy, paleontology, anatomy; household and scientific equipment and tools; and other movable objects, including copies of historical, scientific-artistic or other cultural significance, as well as copies protected by the state as historical and cultural monuments.

#### Public Comments

The public may provide written comment in advance of the meeting and/or register to speak in the virtual open session scheduled for January 30, 2023, at 4:00 p.m. EST.

Public comments on the cultural property agreements should focus on the [four determinations](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf) ([https://eca.state.gov/files/bureau/cpia\\_uscode1988-007019014.pdf](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf)) in the CPIA.

How to submit written comments: Use [regulations.gov](https://www.regulations.gov/) (<https://www.regulations.gov/>), and follow the



([/cultural-property-advisory-committee-meeting-july-26-27-2022](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf))



[Cultural Property Advisory Committee Meeting July 26-27, 2022 \(/cultural-property-advisory-committee-meeting-july-26-27-2022\)](https://eca.state.gov/files/bureau/cpia_uscode1988-007019014.pdf)



prompts to submit written comments. Written comments must be submitted no later than January 23, 2023, at 11:59 p.m. EST.

**How to make oral comments:** Make oral comments during the virtual open session on January 30, 2023 (instructions below). Requests to speak must be submitted no later than January 23, 2023.

#### **Join the Virtual Open Session**

The virtual open session of the Committee meeting will be held on **January 30, 2023, at 4:00 p.m. (EST)** by videoconference.

**To Speak:** Registered participants can speak and may be asked questions by the Committee. If you wish to register to speak you must submit your name and organizational affiliation in an email request to [culprop@state.gov](mailto:culprop@state.gov) (<mailto:culprop@state.gov>) by January 23. After you pre-register you will receive an email response with a unique link and instructions on how to participate. Due to time constraints, each participant will have no more than five minutes to speak.

**To Observe:** Anyone may observe the open session by videoconference, but they will not be able to speak. It is not necessary to pre-register to observe. If needed, please request reasonable accommodation by email to [culprop@state.gov](mailto:culprop@state.gov) (<mailto:culprop@state.gov>) no later than January 23. It may not be possible to fulfill requests made after that date.

View related content by tag

[Cultural Heritage Center \(/program/cultural-heritage-center?](/program/cultural-heritage-center?term_referrer=node/69159&term_referrer_title=Media%20Center)

[term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](/program/cultural-heritage-center?term_referrer=node/69159&term_referrer_title=Media%20Center)

[Cultural Property Protection](#)

[\(/program/cultural-property-protection?](/program/cultural-property-protection?term_referrer=node/69159&term_referrer_title=Media%20Center)

[term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](/program/cultural-property-protection?term_referrer=node/69159&term_referrer_title=Media%20Center)

[Cultural Property Advisory](#)

[Committee \(/program/cultural-property-advisory-committee?](/program/cultural-property-advisory-committee?term_referrer=node/69159&term_referrer_title=Media%20Center)

[term\\_referrer=node/69159&term\\_referrer\\_title=Media%20Center\)](/program/cultural-property-advisory-committee?term_referrer=node/69159&term_referrer_title=Media%20Center)